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ILLICIT DRUG TRAFFIC AND SUPPLY, INCLUDING REPORTS FROM SUBSIDIARY BODIES AND EVALUATION OF THEIR ACTIVITIES

Reports of subsidiary bodies

Summary

The present report contains a synopsis of recent trends in illicit drug trafficking in regions where meetings of subsidiary bodies have been held since the thirty-seventh session of the Commission on Narcotic Drugs, namely Africa, Asia and the Pacific, Europe and Latin America and the Caribbean, the latter also covering Canada and the United States of America. The report also indicates the initiatives taken by the subsidiary bodies in response to the request addressed to them by the Commission in its resolution 3 (XXXVII) of 21 April 1994, regarding the consideration of paragraphs 10(d), (f), (g) and (h), of General Assembly resolution 48/12 of 28 October 1993. Various matters brought to the attention of the Commission are contained in the individual reports of the subsidiary bodies, which are before the Commission in the languages of each meeting. The thrust of the observations, conclusions and recommendations of the subsidiary bodies was to emphasize the priority to be given to the full implementation of the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 that provide the framework for cooperation in drug law enforcement. The subsidiary bodies reviewed the trends in illicit traffic and established working groups to address urgent issues arising in each region and, in line with the objective of countering illicit drug traffic worldwide, recommended measures to facilitate the implementation of specific provisions of the 1988 Convention. At the annual meetings of HONLEA, the measures taken by national drug law enforcement agencies to implement the recommendations of its previous meetings are reviewed.

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INTRODUCTION

1. After the thirty-seventh session of the Commission on Narcotic Drugs, held from 13 to 22 April 1994, the following meetings of Heads of National Drug Law Enforcement Agencies (HONLEA) took place in 1994: Sixth Meeting of HONLEA, Latin America and the Caribbean (30 May-3 June 1994); Seventh Meeting of HONLEA, Africa (10-14 October 1994); Nineteenth Meeting of HONLEA, Asia and the Pacific (14-18 November 1994); and Third Meeting of HONLEA, Europe (30 January to 3 February 1995). The reports of the meetings held in 1994 are before the Commission (UNDCP/HONLAC/1994/5, UNDCP/HONLAF/1994/6, UNDCP/HONLAP/1994/6 and UNDCP/HONEURO/1995/6).

2. The present report consists of three sections. The first section covers matters brought to the attention of the Commission; the second includes a synopsis of the major illicit drug-trafficking trends as reported by the various meetings; and the third covers action taken as a follow-up to Commission resolution 3 (XXXVII) of 21 April 1994 related to issues contained in paragraph 10 of General Assembly resolution 48/12 of 28 October 1993.

3. The General Assembly, in paragraph 10 of its resolution 48/12, requested the Commission and the Economic and Social Council, with the assistance of the United Nations International Drug Control Programme (UNDCP) and the International Narcotics Control Board, to consider and make recommendations on a list of issues covered in that resolution. The Commission, in its resolution 3 (XXXVII), decided to examine at its thirty-eighth session, on the basis of an appropriate report by the Executive Director and as a matter of high priority, the issues identified in paragraph 10 (d), (f), (g) and (h) of Assembly resolution 48/12, in the light of the work of its subsidiary bodies, and the conclusions and recommendations of relevant international conferences.

4. The issues were accordingly brought to the attention of the above-mentioned meetings of subsidiary bodies in 1994. The observations, conclusions and recommendations of the subsidiary bodies relating to the provisions of paragraph 10 of Assembly resolution 48/12 are brought to the attention of the Commission below.

I. MATTERS CALLING FOR ACTION BY THE COMMISSION ON NARCOTIC DRUGS OR BROUGHT TO ITS ATTENTION

A. Seventh Meeting of Heads of National Drug Law Enforcement Agencies, Africa

5. The Seventh Meeting of HONLEA, Africa, adopted the recommendations of its working groups contained in paragraphs 20, 22, 25 and 28 of chapter III of the report of the Meeting. The recommendations were addressed mainly to Governments of the region, and are brought to the attention of the Commission for information. Direct references to UNDCP are limited to the recommendations in paragraphs 25 (a) and 28 (b) of the report of the Meeting.

B. Nineteenth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific

6. The Nineteenth Meeting of HONLEA, Asia and the Pacific, adopted the recommendations of its working groups contained in paragraphs 58, 62, 65 and 68 of chapter III of the report of the Meeting. The recommendations were addressed mainly to Governments of the region, and are brought to the attention of the Commission for information. The attention of the Commission is drawn to the recommendations contained in paragraph 71 of the report, adopted by the meeting following its

consideration of the relevant provisions of General Assembly resolution 48/12, which it examined in compliance with Commission resolution 3 (XXXVII).

C. Sixth Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean

7. The Sixth Meeting of HONLEA, Latin America and the Caribbean, adopted the recommendations contained in paragraph 1, chapter I, of the report of the Meeting.

D. Third Meeting of Heads of National Drug Law Enforcement Agencies, Europe

8. The Third Meeting of HONLEA, Europe, adopted the recommendations of its working groups contained in paragraphs 20, 23, 26 and 29 of the report of the Meeting. The recommendations were addressed mainly to Governments of the region, and are brought to the attention of the Commission for information.

II. MAJOR ILLICIT DRUG TRAFFICKING TRENDS DURING 1993-1994

A. Illicit traffic in opiates

9. The Golden Triangle of South-East Asia and the Golden Crescent of South-West Asia were the world's principal opium-poppy-growing areas, and accounted for the bulk of world production of opium and heroin. The political and social strife in Afghanistan and the lack of central government control, particularly in the North-West Frontier Province of Pakistan, made the region of South-West Asia rife for opium production and heroin refining and trafficking. Production took place under similar conditions in South-East Asia. In that region, the bulk of opium production, as well as refining into heroin, occurred in north-east Myanmar in the Shan State, which borders on Yunnan province of China, the north-west of the Lao People's Democratic Republic and northern Thailand. The Government of Myanmar continued to be engaged in military offensives in the Shan State against one of the major traffickers involved in the illicit production and distribution of opium, and in the refining and distribution of heroin from the Myanmar border areas to neighbouring countries.

10. The supply of opium increased significantly during the past year, particularly in South-West Asia, where it is estimated that during 1994 over 3,400 tonnes of opium was produced in Afghanistan compared to 2,000 tonnes in 1993 and another 100 tonnes in the North-West Frontier Province of Pakistan. Between 2,000 and 3,000 tonnes of opium are estimated to have been produced in South-East Asia in 1994. Several Governments in source or bordering countries had adopted measures to counter illicit production of opium and to reduce illicit cultivation. Major seizures of opium were made in China, Hong Kong, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Myanmar, Pakistan and Thailand. During the first nine months of 1994, the authorities in the Islamic Republic of Iran seized 103 tonnes of opium; Myanmar, one of the major South-East Asian producers of opium, seized 2.4 tonnes in 1993 and 1.5 tonnes during the first nine months of 1994. Similarly, in 1993, the authorities in China seized 3.4 tonnes of opium, those in Pakistan 4.5 tonnes and those in Thailand 2.3 tonnes. A notable recent development has been the significant increase in seizures of opium in Japan. Opium has also been diverted into illicit channels in India, where traffickers were producing heroin of very low purity in response to an increase in abuse in different parts of the country.

11. States in South-East and South-West Asia were being flooded with abundant and cheap heroin, which was increasingly becoming the drug of choice. The increase of drug abuse and trafficking in

opiates, particularly heroin, was linked to rising crime, corruption and health and social problems. In particular, heroin-related problems were fast emerging in several member States of the Commonwealth of Independent States in central Asia as well as developing countries, and had reached alarming dimensions in some of them. Some regions of the States of central Asia were emerging as potentially significant producers of opium. In particular, several States in South-East and South-West Asia, as well as in central Asia, were facing a critical problem of drug abuse that fuelled illicit production of opium and heroin. The spillover of transit traffic, particularly heroin, had aggravated the problem of drug abuse in several countries. In addition to producing for the local markets, South-East Asia was the principal source of heroin for the United States of America, whereas South-West Asia was the major source of heroin for western Europe. Trafficking in and abuse of heroin continued to escalate in the United States, as indicated by the rising average purity at street level in the major United States cities.

12. During the past year, the availability of heroin from South-East and South-West Asia increased at the regional and international levels. With regard to heroin from South-East Asia, the Regional Intelligence Liaison Office of the World Customs Organization (WCO) in Hong Kong confirmed the trend of increased seizures, with reports of 4,057 kilograms of South-East Asian heroin seized in that region between July 1993 and June 1994, compared with 1,688 kilograms in the preceding period. Governments in source countries made major heroin seizures during the past year. The authorities in Myanmar seized 279 kilograms of heroin in 1993 and 219 kilograms during the first nine months of 1994. The authorities in Thailand seized 2.3 tonnes of heroin in 1993. In South-West Asia, heroin continued to be produced in large quantities in clandestine laboratories located in the border areas of Afghanistan and Pakistan. Pakistan seized 4.05 tonnes of heroin in 1993, and the Islamic Republic of Iran seized 11.2 tonnes of morphine coming from those areas.

13. China, Indonesia, Japan, Malaysia, Philippines and Thailand were increasingly being used as major transit points for illicit traffic in heroin from South-East Asia to Australia, Canada, Europe and the United States. Increased use continued to be made of the overland route from Myanmar through the southern Chinese province of Yunnan and the autonomous region of Guangxi Zhuang to Guangdong and on to Hong Kong. The trend was for traffickers to smuggle heroin of a high purity into Hong Kong, where it was mixed with other substances to increase the volume prior to resale at the wholesale level. Large consignments of heroin were also reaching Hong Kong and Malaysia by the long-established sea route from Thailand. The Government of China has placed special emphasis on combating illicit transit traffic in heroin, particularly in its south-western border areas. In that regard, during 1993, the Chinese drug law enforcement agencies seized 4.5 tonnes of heroin and 90 tonnes of essential chemicals and precursors. During the first part of 1994, 1 tonne of opium and 2.4 tonnes of heroin had been seized.

14. The bulk of the heroin seized originated from the Golden Triangle. During 1993, the law enforcement authorities in Japan arrested 111 persons and seized a total of 15 kilograms of heroin. It was the first time since 1974 that over 100 persons were arrested in Japan during a calendar year for the illicit traffic in heroin. In Malaysia, No. 3 heroin destined for the domestic market was seized, while No. 4 heroin was for further distribution to other markets, mainly in Australia and Europe. The Malaysian authorities recorded significant increases in seizures of raw opium and heroin during the first half of 1993. Malaysia was increasingly used during 1992 and 1993 as a transshipment point for heroin destined for the Australian market, where No. 4 heroin remained available throughout the country. Similarly, heroin seizures from South-East Asia increased in India. Sri Lanka has become an important transit route for South-West Asian heroin, mainly by sea from southern India, to Europe.

15. Illicit traffic in and abuse of heroin in the European region had escalated during 1994, with prices remaining stable or dropping and average purity rising, despite the record seizures made in several countries. It was estimated that law enforcement agencies in Europe accounted for some 70 per cent of the heroin seized worldwide. The volume of heroin traffic escalated in 1994, with seizures rising

sharply in France, Italy, Germany, Greece, Hungary, Romania, Spain, Turkey, Netherlands and United Kingdom of Great Britain and Northern Ireland. The Netherlands was being increasingly used as a major redistribution point for heroin destined for other western European countries, accounting, for example, for 50 per cent of heroin seized in France.

16. Nationals of some countries in the territory of the former Yugoslavia, as well as Albanians, Iranians, Pakistanis and, more particularly, Turkish criminal groups, with ties to suppliers on the Balkan route, exercised a controlling influence on the heroin traffic at the transport, wholesale and mid-level distribution phases in several European countries. They collaborated closely with the organized criminal drug-trafficking networks that controlled both the retail distribution of heroin and the laundering of the proceeds from such traffic. A growing trend was the increased involvement of central and eastern European criminal groups in drug trafficking, particularly heroin traffic, in collusion with well-established western European criminal organizations.

17. Most of the heroin seized in Europe during 1994 was transported from source countries in South-West Asia to Europe by road over the Balkan route, conveyed in bulk consignments on transport international routier (TIR) lorries, or in smaller quantities in private vehicles in western Europe. Concealment remained sophisticated and detection difficult. Drug trafficking had intensified in Turkey, which remained the principal gateway for heroin traffic from South-West Asia to Europe, with Italy, France, Germany, Netherlands, United Kingdom, Switzerland and Spain as the major countries of destination. The opening of the borders of the central and eastern European countries had added new entry points and potential routes, resulting in a shift in, or variations of, the classical Balkan route southward and northward. The Balkan route was also used for illicit traffic in psychotropic substances and precursor chemicals (particularly acetic anhydride) from western Europe over the southern borders of Turkey to the States of the Persian Gulf and South-West Asia.

18. Several transit States along the Balkan route were used for building up stocks, repacking and redistribution of illicit consignments of heroin, with increased value added in the process. The accumulated stocks in transit States enabled traffickers to ensure a steady supply of heroin to the illicit market in Europe, despite the seizures effected by law enforcement services.

19. Motorized or camel caravans involved in drug trafficking and originating along the border between Afghanistan and Pakistan were difficult to intercept. Heavily armed and with sophisticated communications equipment at their disposal, they were prepared to resist the interdiction efforts of the law enforcement authorities. The Government of the Islamic Republic of Iran had invested heavily in a drug interdiction programme in its border areas to stop the transit of opiates through its territory, particularly morphine base destined for Europe. As the authorities of Iran (Islamic Republic of), Pakistan and Turkey tightened controls on their borders, traffickers were finding it easier to transport their illicit consignments of heroin and cannabis along the northern routes and through the States of central Asia, where border controls had become minimal since the disintegration of the Union of Soviet Socialist Republics.

20. During the past year most African States recorded increased seizures of illicit drugs and the arrest and prosecution of a large number of persons for drug-related offences. Abuse increased significantly, particularly of heroin, as a result of the spillover of transit traffic from producer countries in South-East and South-West Asia. Heroin was readily available in most major African cities. An alarming trend was the increased quantities of cocaine transiting through West Africa and North Africa to Europe. In addition to commercial airlines, sea freight, particularly in containers, was increasingly being used to carry large consignments of illicit drugs, particularly heroin and cocaine, from source countries to Africa, with West Africa as the main destination.

21. An increasing number of countries in the region continued to be adversely affected by illicit transit traffic in heroin from South-East and South-West Asia. It was reported that east and west African traffickers obtained their supplies of heroin principally from India, Pakistan and Thailand. The illicit supplies transited through the States of the Persian Gulf, particularly the United Arab Emirates, and East Africa to reach West Africa, with complex and deceptive flight routes being used for redistribution in Europe. The airports of Addis Ababa, Cairo and Nairobi were the main entry points to the African region. Abidjan, Banjul, Cotonou, Dakar, Kinshasa and Lomé were becoming important exit points.

22. An increasing trend was for west African traffickers to use containers to move bulk consignments of heroin concealed in containers by sea from source countries principally to Lagos, Nigeria. Cargo vessels transported containers from Bangkok to Singapore for transshipment to Lagos. At Lagos in December 1993, the Nigerian authorities seized 248 kilograms of heroin being smuggled on a vessel from Thailand. The use of containers and air freight had enabled west African traffickers to deal in large quantities of heroin. The availability of bulk quantities of heroin of a high level of purity enabled drug traffickers to cut and repack the drug in smaller consignments to be smuggled by west African couriers to western Europe and North America. Observing that no seizure of heroin had been made in Nigeria during the first half of 1994 and that significantly less heroin had been seized throughout Africa during that period, WCO indicated that information available to it pointed to the stockpiling of large quantities of heroin by west African traffickers for future distribution mainly in Europe and other urban centres in Africa. During 1994, the most significant seizures in Africa had been made by the authorities in Kenya, particularly from couriers arriving at Nairobi Airport from South-East Asia. An emerging cause of concern for law enforcement authorities in the region was the increasing involvement of drug couriers from South Africa, particularly for the illicit traffic in heroin obtained from India and Thailand, which transited through Hong Kong and Singapore bound for redistribution in Belgium and Germany.

23. Africa was increasingly used for the transit of illicit consignments of heroin from source countries to Europe. African drug couriers, using a variety of air routes, continued to be used for the transport of heroin from source countries to west African cities, particularly Lagos, for redistribution to other major African cities and western Europe. A new trend was for traffickers to move large consignments of heroin by containers from source countries to West Africa for onward distribution.

24. In the region of Latin America and the Caribbean, heroin, after cocaine, remained the major threat, particularly on account of its competitive price. Heroin, found principally in the south-west and west of the United States, was being smuggled overland from Guatemala and Mexico, currently the two main Latin American sources of the heroin found on illicit markets in the United States. Eradication programmes had succeeded in limiting the extent of illicit poppy cultivation and in keeping growers on the move. In 1993, the authorities in Mexico had eradicated 13,000 hectares of opium poppy and seized 218 kilograms of opiates, including 127 kilograms of heroin and 27 kilograms of morphine. Colombia had become the centre of an aggressive effort by drug-trafficking organizations to diversify into the illicit traffic in heroin. Following an extensive eradication programme, the area under illicit opium poppy cultivation in that country was estimated at 12,636 hectares, having a potential yield of 75.8 tonnes of opium.

B. Illicit traffic in cocaine

25. Bolivia, Colombia and Peru remained the principal sources of cocaine, accounting for an estimated 195,700 hectares of coca bush. In 1993 the Peruvian authorities reduced coca bush cultivation to an estimated 108,800 hectares, mostly in the Upper Huallaga valley, compared with 129,000 hectares in 1992. Effective law enforcement measures had forced coca bush farmers to move to more remote areas. In Bolivia, coca bush was being cultivated on 46,000 hectares, of which 12,000 hectares were authorized for such cultivation. Bolivia remained the largest supplier of coca paste for the Colombian cartels, the

bulk of which was being transported by small, private aircraft operating from clandestine airports in the region of Beni, the main base of operations for the principal local drug traffickers. Cocaine-processing laboratories had been dismantled in Bolivia, indicating that drug traffickers in that country had made efforts to export cocaine directly to consumer countries. There was growing involvement of Brazilian and Peruvian trafficking groups in the cocaine traffic in Bolivia. In 1993, seizures of cocaine by the authorities in Bolivia increased to 12.1 tonnes, compared with 7.7 tonnes in 1992. It was estimated that coca bush plantations in Colombia covered 39,000 hectares, yielding an estimated 31,840 tonnes of coca leaves. Individual producers continued to cultivate the coca bush in remote areas, where coca paste was often converted into cocaine. In 1993 the authorities in Colombia seized 22 tonnes of cocaine, whereas the authorities in Mexico seized 46.1 tonnes of cocaine; both seized weapons intended for drug traffickers as well as large quantities of precursors. A joint initiative in Panama involving the authorities of that country and of the United States had contributed to the extensive eradication of the coca bush in the area bordering on Colombia. The law enforcement authorities in Guatemala seized 7.6 tonnes of cocaine in 1993.

26. Cocaine traffickers were constantly adjusting their operations to mitigate the effects of drug law enforcement measures. Thus, reacting to measures taken by the Government of Colombia against the cocaine cartels, cocaine traffickers had shifted their operations to neighbouring countries. Drug traffickers were cultivating and refining coca in remote jungle areas in western Brazil, which were also being used for the transshipment of cocaine to Europe, directly or through African airports with the involvement of Nigerian traffickers. Chile was facing increased traffic in coca paste and cocaine from Bolivia and Peru, and was also being used as part of a transit route that led to countries in the northern hemisphere. Similarly, Argentina was facing the problem of illicit traffic in coca leaves and cocaine from Bolivia. Venezuela was being frequently used as part of a transit route for cocaine from Brazil and Colombia and for the transshipment of cocaine concealed on international flights and in legitimate containerized cargo destined for Europe and the United States. Venezuela was also being used as a redistribution centre for precursors and essential chemicals intended for Colombian traffickers. Ecuador was being used as a conduit for illicit consignments of cocaine and for the redistribution of chemical products for the processing of cocaine in Colombia and Peru. The Dominican Republic, Paraguay, Puerto Rico and Uruguay were being used as transit points for couriers on their way to Europe and the United States. Seizures in Panama confirmed the trend towards bulk shipments of cocaine concealed in legitimate cargo in containers destined for Europe and the United States. The Caribbean island States, as well as other States such as Guyana and Suriname, continued to face increased traffic in crack, the free-base form of cocaine.

27. The Caribbean islands, central America and particularly Mexico continued to be used as major transshipment points for illicit cocaine consignments bound for the United States. The trend was for cocaine to be transported from South America by aircraft to staging or transshipment areas in other parts of Latin America and the Caribbean. As a result of the high interception rate of private aircraft used for the illicit traffic in cocaine, the trend was for illicit cocaine consignments from source countries to be dropped from the air off the coasts of Mexico and other countries in Central America or the Caribbean, picked up by speedboat, and subsequently transported to the United States either overland through Mexico or by vessel. A new trend was the increased illicit traffic by land and sea to Mexico. In 1993, illicit traffic by sea accounted for 41 per cent of the cocaine seizures in Mexico; such trafficking appeared to have significantly increased in 1994.

28. The territorial waters of the Caribbean island States, particularly Bahamas, Cuba, Dominican Republic and Jamaica, continued to be used for air drops of cocaine consignments that were picked up by fast boats and transported mainly to Puerto Rico or the southern coast of the United States. Caribbean island States, as well as Guyana and Suriname, were being increasingly used for the transit and transshipment of cocaine from producer countries in South America to North America and western

Europe. An increasing trend was for cocaine to be smuggled from Colombia and Bolivia through Brazil to Suriname or through Venezuela to Guyana for transshipment to Europe. In particular, traffickers were exploiting the historical and ethnic links between the Netherlands Antilles, Suriname and the Netherlands to ship large quantities of cocaine through seaports of the Netherlands to other countries in Europe.

29. While the United States remained the major illicit market for cocaine, traffickers had been increasingly targeting eastern and western Europe, particularly with large bulk shipments concealed in commercial vessels and in containerized legitimate cargo, as well as by using couriers travelling on commercial airlines. Most central and eastern European countries were being increasingly used for the transit of cocaine consignments from source countries to western Europe. However, seizures in France and the United Kingdom during 1994 of large consignments of cocaine destined for eastern Europe confirmed the trend towards the transit through western Europe of cocaine bound for that region. Significant seizures of cocaine in eastern Europe during 1993 and 1994, particularly in Poland, Romania and Russian Federations confirmed the growing tendency of traffickers to target those countries as potential markets.

30. Seaports and airports in Belgium, Germany, Netherlands, Poland, Portugal, Spain and United Kingdom were also being targeted with large consignments of cocaine from South America. During 1994, most of the bulk consignments of cocaine intercepted in Europe originated in Colombia and Venezuela, with Brazil, Ecuador, Panama and Suriname as other sources of supply. Increased quantities of cocaine seized in Europe were also transiting through the Caribbean. Illicit traffic in crack cocaine, particularly in the United Kingdom, continued to be a cause for concern, because of the associated violent criminality and spread of abuse in several big European cities. The increased number of Turkish nationals arrested in South America in possession of cocaine was indicative of a new trend towards cocaine trafficking directed at Turkey, with a cocaine-heroin swap as a medium of exchange.

31. Illicit traffic in cocaine to Europe was controlled by South American cocaine cartels, particularly the Cali cartel, operating in collusion with European organized drug-trafficking networks at the distribution level. South American trafficking groups had expanded their operations and consolidated their links with European drug-trafficking networks, particularly in Italy, in order to share risks and ensure continuity in the supply of cocaine. During the past three years, cocaine traffickers had accumulated stocks of several tonnes at different points in countries of destination, and local criminal organizations were entrusted with their protection. Thus, despite the estimated seizure of over 30 tonnes of cocaine in Europe during 1994, supply had been uninterrupted, prices had remained stable or fallen, and purity had been maintained at a high level.

32. Maritime vessels were being increasingly used for bulk shipment of cocaine from source countries to Europe. Vessels plying the North Atlantic sea route for drug-trafficking purposes frequently used Cape Verde, Canary Islands, Madeira and Azores as resupplying, refuelling or transshipment points on the onward journey to Europe, particularly Portugal and Spain. Vessels departing from ports in Brazil, Colombia, Ecuador, Panama, Suriname and Venezuela, and other South American and Caribbean countries, were targeting ports in Belgium, Germany and Netherlands. Interdiction by the law enforcement authorities was often thwarted by the sheer volume of legitimate trade at the main ports of entry in Europe, particularly through the increased use of containers by traffickers for their illicit shipments.

33. While the United States and western Europe remained the major cocaine markets, there had been a significant increase in seizures of cocaine in Australia, Hong Kong, Japan and Philippines in 1993 and 1994. During 1993/94, the authorities in Australia made 65 seizures of cocaine totalling 288.4 kilograms. Most of the cocaine was supplied by an Australian group connected to Colombian traffickers. Cocaine cartels from source countries, particularly Colombia, were developing close ties

with Japanese criminal networks in their endeavour to expand the Japanese market for cocaine. Bolivia and Colombia were the source countries of cocaine seized in Hong Kong, with traffickers using the direct flights from Brazil as well as the circuitous route through London to Hong Kong.

34. West African States, particularly Ghana and Nigeria, were being used as transit points for the illicit traffic in cocaine from South America to Europe. There was a dramatic increase in the involvement of African nationals as couriers in moving cocaine from source countries to Europe, particularly Italy, Germany, Switzerland and the United Kingdom, as well as to North America. Reports from the International Criminal Police Organization (ICPO/Interpol) and WCO indicated that the Brazilian and west African cocaine networks continued to operate successfully, with west African groups buying bulk consignments of cocaine in Bolivia or Colombia, paying between US$ 8,000 and US$ 10,000 per kilogram. The cocaine consignments transited through Rio de Janeiro or São Paulo, Brazil, for shipment to and redistribution from West Africa. Drug couriers individually carried small consignments of cocaine from West Africa to European destinations. The Cape Verde Islands and cities such as Abidjan, Dakar and Libreville were secondary targets of the traffic. Illicit traffic in cocaine was also spreading to eastern and southern Africa with seizures made in South Africa, Swaziland, Uganda and Zimbabwe.

C. Illicit traffic in cannabis

35. Cannabis, in various forms, continued to be one of the most commonly abused drugs worldwide. In the region of Latin America and Caribbean, Mexico was the main source of cannabis, followed by Colombia, Guatemala and Jamaica as sources of illicit supplies intended for Canada and the United States. In the United States, there was a growing practice of smoking oversized cannabis cigarettes, dubbed "blunts", particularly among youths up to the age of 25.

36. Cannabis, in various forms, was the most common drug seized by European and North American drug law enforcement agencies. A record 700 tonnes of cannabis were estimated to have been seized in Europe during 1994, with seizures increasing significantly in most countries, particularly, Belgium, France, Italy, Netherlands, Portugal, Romania, Russian Federation, Spain, Turkey, United Kingdom and the Nordic countries. In 1994, Morocco was the major source of cannabis for western Europe and increasingly for eastern Europe, with the Iberian Peninsula as the main transit zone on the way to western Europe. Organizations that had previously been involved in tobacco smuggling from their base in the autonomous community of Galicia in Spain were now using their operational networks for traffic in cannabis, dealing with consignments of 5 to 15 tonnes landed on the coasts of Galicia or Portugal. A new trend during the past two years had been the increasing use of TIR lorries, registered in countries in western and eastern Europe, for the bulk traffic of cannabis resin from Morocco. Significant seizures were also made on yachts. Netherlands, Nigeria and Pakistan were other sources of cannabis for Europe. The Netherlands was an important source of large consignments of cannabis imported into the Nordic countries by lorries and light aircraft.

37. Illicit traffic in cannabis was managed by several European criminal organizations that had the capability and resources to traffic in bulk quantities transported by sea in containerized cargo, and by land in TIR lorries. Thus, while cannabis was cultivated and available in Morocco, trafficking operations, particularly transport from Morocco and distribution in Europe, were mainly controlled by European drug-trafficking networks.

38. Home-grown hydroponic cultivation of cannabis, with very high tetrahydrocannabinol (THC) content, was increasing in importance in many countries, particularly in Canada, Germany, Hungary, Netherlands, United Kingdom and United States.

39. Several Governments took measures to deal with illicit cannabis cultivation and traffic. Large-scale eradication of cannabis plants was reported in Chile, Colombia, Ecuador, Guatemala, Guyana, Jamaica, Mexico and Venezuela. Increased use of aircraft for surveillance and eradication purposes was reported.

40. Cannabis continued to be one the major drugs of abuse in Africa. Several countries were faced with increased illicit production and traffic in cannabis, often in bulk quantity. Whereas most of the cannabis grown in Africa was for the local market, cannabis of African origin had been seized in increasing frequency during the past year in several European countries, particularly Belgium, France, Netherlands and United Kingdom, as well as in Canada. Such traffic was becoming more organized, and was controlled at all stages by structured drug-trafficking networks including persons from several African countries operating in collusion with European organized criminal syndicates. In Morocco, traffickers from Europe, particularly nationals of the Netherlands, were involved in the processing of herbal cannabis to cannabis resin, and in bulk trafficking in cannabis to western Europe, particularly the Netherlands.

41. The quantities of cannabis seized by the authorities in countries of South-East Asia, as reported to the WCO Regional Intelligence Liaison Office, amounted to 126.1 tonnes in 1993. Nepal remained a major source of cannabis smuggled into Hong Kong and India. The latter was emerging as a major transshipment point for cannabis resin produced in Afghanistan, Nepal and Pakistan. The authorities in Pakistan seized 189.5 tonnes of cannabis in 1993. Pakistan was the major source of cannabis resin destined for Europe and North America.

42. Large-scale cannabis plantations were detected in the Philippines and Thailand. Extensive eradication of cannabis plants had been undertaken in several countries, particularly Indonesia, New Zealand, Philippines, Thailand and Sri Lanka.

43. As a result of effective law enforcement operations against illicit cannabis cultivation, such cultivation had in several countries tended to be undertaken on small plots located in remote areas or in dense forest, or alongside staple crops, thus making its detection and eradication very difficult.

D. Illicit traffic in psychotropic substances

44. Abuse of and trafficking in psychotropic substances were on the increase in several countries. There was, for example, a significant increase in the quantity of psychotropic substances smuggled into Hong Kong by air freight during 1994, as shown by the 69,495 tablets of assorted psychotropic substances seized from two inbound air-cargo consignments from India and the United Kingdom. Increased illicit manufacture and trafficking in amphetamine and methamphetamine was a particular concern in South-East Asia and Australia. Amphetamine, after cannabis, was the second most popular drug of abuse in that country. Most of the amphetamines were manufactured in Australia, and were readily available throughout the country in 1994. Amphetamine was also a popular drug of abuse in Thailand, particularly among manual workers, lorry drivers and students. Methamphetamine was one of the most prevalent drug of abuse in Indonesia, Japan, Philippines and the Republic of Korea. It was reported that methamphetamine from illicit sources in China, particularly Taiwan Province of China, transited through Hong Kong to Japan, Philippines, Republic of Korea and United States. During 1993, the law enforcement authorities in Japan seized 96.2 kilograms of methamphetamine and arrested 15,252 persons, 40 per cent of which were members of organized crime syndicates. Their modus operandi were becoming more sophisticated and detection had become increasingly difficult. Organized crime syndicates were deeply involved in the illicit traffic in methamphetamine, which was smuggled into the country mainly from Taiwan Province of China.

45. The increased illicit traffic in stimulants, particularly amphetamines, which continued to be one of the most widely abused psychotropic substances, was a growing cause of concern in Europe. Increased seizures were made during 1994 in most European countries, notably Belgium, France, Germany, Hungary, Italy, Poland and United Kingdom, as well as the Nordic countries, in particular Sweden. Amphetamines, after cannabis, remained the most popular drug of abuse in some countries, such as the United Kingdom and the Nordic countries, with the Netherlands and Poland as the main suppliers, and Belgium and the Baltic States as further sources of supply. A large share of the amphetamines seized in Europe was clandestinely manufactured in the Netherlands, which, together with Poland, remained the main supplier of the Scandinavian countries. Abuse of and traffic in methylenedioxy-methamphetamine (MDMA), known as ecstasy, had shown an alarming increase among young people frequenting night clubs and all-night dance parties. Abuse of and traffic in lysergic acid diethylamide (LSD), phencyclidine and methamphetamine remained high in several countries, notably France, Germany, Slovenia and United Kingdom. The Netherlands and the United States were the principal sources of supply of LSD for Europe, with Slovenia and the United Kingdom, where precursors had been seized, as two of the main destinations.

46. Several countries, particularly in central and western Africa, were encountering increased abuse and trafficking in psychotropic substances, particularly barbiturates, amphetamines and benzodiazepines, as a result of the diversion of large quantities of psychotropic substances from the licit market, often through the forging of import permits. Such diversion had considerably increased the availability of psychotropic substances on the illicit market. Several African States were facing a major health problem resulting from the great variety of psychotropic substances sold as medicines by vendors without prescriptions or medical supervision. The problem was exacerbated by the perception of psychotropic substances not as illicit drugs of abuse, but as medicaments.

47. Several States of eastern Europe were taking measures to control the manufacture, sale and distribution of psychotropic substances, despite the difficulties encountered as a result of privatization of pharmaceutical industries and the liberalization of trade. Contrary to a previous trend, no fenetylline from eastern Europe was seized in Turkey and the Middle East in 1994.

48. India remained the major source of methaqualone, often in the form of Mandrax tablets, smuggled from Bombay to the ports of Dar es Salaam, Maputo, Mombasa and Durban, in eastern and southern Africa. There was an increasing use of sea freight, particularly in containers, from India to those ports, which received a large number of containers each week. Because of the need for the rapid clearance of cargo, inspection of containers was done at random and was minimal in nature. On reaching the east African ports, methaqualone consignments were repacked and transported by road through Botswana, Swaziland, Uganda, Zambia and Zimbabwe to South Africa. Attempts to establish clandestine laboratories in the eastern and southern African region, particularly in Kenya, Mozambique, South Africa, Swaziland and Zambia, point to the need for the States of eastern and southern Africa to adopt measures to monitor precursors frequently used for the manufacture of illicit drugs. Subregional initiatives to counter the threat posed by illicit traffic in methaqualone had resulted in the establishment of a database by the drug law enforcement authorities in South Africa, which provided direct access to drug law enforcement agencies in States of the region.

E. Precursors and essential chemicals

49. In compliance with article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1] new initiatives had been taken by several States to effectively monitor precursors and essential chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances. Such measures included making the 22 substances listed in Tables I and II of the 1988 Convention subject to export and licensing controls. In particular, in several countries

where heroin was the major drug of abuse, the authorities continued to apply stringent measures to control acetic anhydride and other acetylating substances. Such measures included the control of imports, exports, transportation and distribution of such substances.

III. EXAMINATION OF ISSUES CONTAINED IN GENERAL ASSEMBLY RESOLUTION 48/12, PARAGRAPHS 10 (d), (f), (g) AND (h)

50. At its thirty-seventh session, the Commission adopted resolution 3 (XXXVII) of 21 April 1994, in which it decided to examine subparagraphs 10 (d), (f), (g) and (h) of General Assembly resolution 48/12, in the light, inter alia, of the work of its subsidiary bodies. Discussions at the meetings of the subsidiary bodies held since the thirty-seventh session focused on a number of issues related directly to those subparagraphs, which reflect matters concerning the illicit drug traffic. The discussions and recommendations arising therefrom with respect to each subparagraph, as indicated below, are brought to the attention of the Commission on Narcotic Drugs.

A. Strengthening of the fight against international criminal drug organizations

1. General considerations

51. The meetings of the subsidiary bodies observed that drug syndicates were organizing drug trafficking on the lines of a transnational corporation, controlling production, processing and distribution. Drug-trafficking operations were more professionally organized, difficult to penetrate and prone to use violence. There was a growing tendency for such criminal groups to be engaged in the illicit traffic in various drugs. As an example, Japanese organized crime syndicates were deeply involved in the illicit traffic in methamphetamine and large-scale traffic in cannabis, and were making inroads into the cocaine traffic. Similarly, west African criminal networks were involved in the illicit traffic in heroin, cocaine and cannabis, and constantly adjusted the prices of illicit drugs, particularly cocaine and heroin, in order to penetrate the local markets and to evade drug law enforcement countermeasures. Illicit drug trafficking had provided such syndicates with wealth, influence and power, which they unscrupulously used to erode and undermine the legitimate authority of Governments, particularly through the corruption of government officials. One conclusion was that the activities of drug-trafficking organizations were facilitated by weak Government, corruption, inadequate legislation, limited enforcement capability and poorly trained personnel. The brunt of the adverse impact of drug-trafficking organizations on law and order and on political, economic and social stability was felt in the member States of the Commonwealth of Independent States and in developing countries, where the interdiction capability of law enforcement agencies was limited, the justice system slow, and democratic institutions were fragile. Combating drug-trafficking networks required a sustained long-term strategy, efficient drug law enforcement mechanisms and an effective judiciary with strong political support.

52. The subsidiary bodies emphasized the need for States to maintain close cooperation in resolutely targeting major drug traffickers and trafficking groups, particularly through sharing information and operational intelligence and improving telecommunications capabilities and cross-border cooperation, for example by undertaking joint investigations. They considered that more extensive use of certain law enforcement techniques, such as controlled delivery, the interception of communications, electronic surveillance, undercover operations and the confiscation of assets derived from drug trafficking would make a significant impact on efforts to dismantle drug cartels and associated criminal organizations.

53. The subsidiary bodies considered enhanced international cooperation, through, inter alia, adherence to and effective implementation of the international drug control treaties, particularly the

1988 Convention, to be the cornerstone of any strategy to counter the operations of drug-trafficking organizations.

54. The main organizers of drug trafficking had exploited the principle of the presumption of innocence until proven, a pillar of the criminal justice system in many countries, to avoid being brought to justice. A reversal of the burden of proof in some areas of criminal justice appeared to be the only practical way to uphold the law. States should therefore consider shifting the burden of proof where that was the only means of bringing the organizers of drug trafficking to justice and confiscating their proceeds.

55. In addition to the general recommendations relating to the implementation of the 1988 Convention (see para. 74), a number of specific recommendations were adopted to counter the operations of international criminal drug-trafficking organizations.

Recommendations

56. The following recommendations address the issue of drug-trafficking organizations, in accordance with the provisions of article 9 of the 1988 Convention, concerning other forms of cooperation and training:

(a) All States should develop a national drug control strategy that integrates and coordinates the fight against illicit drugs, including appropriate legislation, education programmes and drug law enforcement initiatives, supported by programmes, in particular national drug-control master plans, which should be implemented with the assistance of UNDCP, wherever necessary;

(b) States should promote the role of the local community and associations in cooperation with the public administration to prevent and contain criminal drug-related phenomena, including drug abuse, that endanger democracy, good governance and human rights;

(c) States should consider enacting appropriate laws and adopting procedures to facilitate effective drug law enforcement investigations directed at drug-trafficking organizations, including the interception of communications and the use of electronic surveillance, undercover operations, informants and controlled delivery;

(d) States should develop and implement programmes of national institution building in order to protect democratic institutions and processes from the threat of drug trafficking. In that context, there is a need to develop and strengthen a comprehensive legal framework for addressing drug issues in compliance with the international drug control treaties;

(e) States should develop and implement national strategies and action plans for the prevention and control of criminal phenomena that endanger social and economic development. The political authorities should be made aware of the dangers posed by the infiltration of criminal drug-trafficking organizations into economic and political infrastructures, thereby undermining the normal functioning of government;

(f) Financial institutions, such as the European Bank for Reconstruction and Development, which are specifically mandated to assist eastern European countries, should take into account and integrate the crime dimension and drug-related matters into any financial or economic programme of assistance, in order to prevent economic reforms from falling under the control of criminal drug-trafficking organizations and enhancing or perpetuating their operations;

(g) States should establish a focal point or a central agency to coordinate their national drug law enforcement programmes. UNDCP should establish and maintain a central register of national coordinating bodies as a basis for international cooperation, and should disseminate the register to States on request;

(h) States should consider the establishment of a multi-agency law enforcement task force or body, well equipped and with full political, economic and military support, to confront drug-trafficking organizations;

(i) Each State should establish an effective intelligence network as an essential part of its strategy to counter drug-trafficking organizations;

(j) Drug law enforcement agencies that have not yet done so should begin to establish profiles of drug-trafficking organizations, with a view to identifying their leaders, membership, source of funding, local or foreign contacts and relationships with other criminal networks;

(k) States should make more extensive use of the law enforcement technique of controlled delivery as a tool for the identification and dismantling of drug-trafficking networks;

(l) The normal burden of proof for criminal offences involving organized crime, including financial crime, in association with drug trafficking and money-laundering might not be applicable because of the complexities and scale of the problem. In such cases, States should consider a reversal of the burden of proof as a useful additional legislative tool that could be considered and applied in appropriate circumstances as might be determined by States, without contravention of human rights and basic constitutional principles of Member States;

(m) States should, in cases of significant drug seizures, undertake thorough investigations with a view to establishing and contacting the countries of nationality or residence of arrested traffickers as quickly as possible, with a view to identifying possible syndicates that might be linked with the persons arrested;

(n) The country of origin of the major drug traffickers should submit to the country where the trafficker was arrested all necessary information and documentation necessary for investigation and prosecution;

(o) States should consider the adoption of preventive, administrative, and legislative measures against corruption, including the elaboration and implementation of a code of conduct.

2. Measures to improve cross-border cooperation

57. Lack of joint border controls, incompatible communications systems, shortage of trained manpower, obsolete and inadequate communications equipment and the lack of adequate infrastructure and financial resources all impeded closer and more effective cross-border cooperation against illicit drug trafficking. Lack of intelligence gathering, processing and exchange of information at the operational level both nationally and across national frontiers, as well as duplication of control functions at border points involving customs, police and immigration authorities, also made cooperation difficult. In addition, there was often inadequate, ineffective, and inconsistent legislation in the various countries that might wish to cooperate. Cooperation was further hampered by the limited number of memoranda of understanding and other agreements or arrangements between Governments and agencies.

Recommendations

58. The following recommendations were made to improve cross-border cooperation:

(a) States should enter into memoranda of understanding or consider other international agreements to enhance mutual assistance and cooperation;

(b) States that have not yet done so should establish a national multi-agency drug intelligence system, and seek to establish a regional communications network to collect and disseminate information for operational purposes;

(c) States should ensure the provision of sufficient resources at the operational level to permit national drug law enforcement agencies to carry out their responsibilities fully;

(d) States should institute regular meetings at the operational level between drug law enforcement agencies in each subregion;

(e) States should extend cross-border cooperation in drug interdiction to include suppression of illicit traffic by sea, and, in the context of the working group on maritime cooperation, develop concrete procedures to enhance multilateral law enforcement cooperation at sea. Furthermore, States should undertake, to the extent permitted by their resources, programmes to suppress smuggling by sea;

(f) States should conduct joint cross-border exercises between law enforcement agencies in two or more countries, in order to improve the capability to identify and intercept suspicious persons, vehicles and goods involved in drug trafficking by air, by sea and on land.

3. Measures to improve inter-agency coordination and cooperation

59. Inter-agency coordination at the national level was a problem faced by many countries, but the nature and scope of the problems varied from one country to another. The subsidiary bodies concluded that, in many countries, there was an urgent need for Governments to establish centralized national drug coordinating units or high-level coordinating bodies, embracing all agencies involved in drug law enforcement, including agencies dealing with drug abuse, and to spell out their roles and responsibilities. Another conclusion was that laws and regulations to implement those provisions of the 1988 Convention which could be used to target the major trafficking organizations could not be effectively enforced without a central intelligence and communications system supported by joint training programmes. In that connection, many countries needed to provide their drug law enforcement personnel with training in the field of information gathering and analysis, the undertaking of undercover operations and other drug-related areas. Increased coordination and cooperation between the judiciary and drug law enforcement agencies in targeting and investigating the drug-trafficking organizations was critical.

60. Other obstacles to closer inter-agency coordination persisted in many countries. In some countries there were common instances of rivalry, mistrust, suspicion, and competition among agencies entrusted with the enforcement of various provisions of drug laws. There was also a tendency for law enforcement agencies to unduly compartmentalize their drug law enforcement operations. Inter-agency coordination was a particular problem for countries where agencies lacked a common training programme, compatible means of communications, and the capability to share investigative techniques and intelligence systems. Many countries lacked a central coordinating organization to direct policy and devise operational strategies.

61. The subsidiary bodies considered that close inter-agency cooperation contributed to the efficient and optimum use of resources available to the respective agencies. Commitment to inter-agency cooperation should be shared by personnel at all levels. Where professional jealousies and mistrust existed, a task force approach could be followed in the investigation of targets. Such an approach could also be followed in stimulating the interchange of investigating officers between concerned agencies. An official statement or memorandum of understanding between concerned agencies, as in New Zealand, could serve to specify the mandate and responsibility of each agency.

62. In order to remedy some of the above-mentioned problems, the subsidiary bodies concluded that a number of steps could be taken to promote and stimulate inter-agency cooperation. Those steps included both the appointment of liaison officers to ensure the continual flow of information between agencies and the exchange of officers to promote increased understanding of the requirements of each agency, to build up trust between agencies, and to break down the barriers of suspicion. The creation of a task force to tackle specific inter-agency problems and to optimize the use of the resources and expertise of each agency could also be helpful. Lastly, implementation of a single, uniform training programme and the undertaking of joint training programmes, especially for law enforcement agencies with special technical requirements, would also serve to break down barriers of mistrust and suspicion.

Recommendations

63. The following recommendations were made to improve inter-agency coordination and cooperation:

(a) With the assistance of UNDCP, States should establish centralized national coordinating bodies and draw up dynamic operational strategies defining the roles and responsibilities of all agencies involved;

(b) National coordinating units should endeavour to organize regular meetings of heads of various drug law enforcement agencies, including agencies involved in demand reduction, to enable them to enhance their enforcement performance by familiarizing themselves with emerging problems, resolving differences and improving cooperation;

(c) National coordinating units should refer incoming or potential drug cases to the appropriate agencies for thorough investigation and prosecution, ongoing liaison should be ensured, and feedback on the investigation should be sent to the originating agency to avert any doubts or mistrust;

(d) Governments should conduct joint inter-agency drug law enforcement training programmes to ensure that all agencies have a similar level of competence and as a means of breaking down barriers of suspicion and mistrust between agencies;

(e) States should adopt the necessary measures to improve the coordination capability of the judiciary and law enforcement officials.

4. Exchange, analysis and sharing of drug law enforcement information and intelligence

64. The expeditious and effective exchange of information between drug law enforcement agencies was considered to be of paramount importance in targeting the major drug-trafficking organizations. The subsidiary bodies accordingly considered it urgent for all States to establish a national database covering illicit drug traffic, as well as trends in both traffic in and abuse of drugs, which would serve as a basis for the development of an active intelligence capability. It was also considered important for drug law enforcement agencies to develop informal professional networks, particularly through the exchange of liaison officers, to facilitate the swift exchange of information.

65. Law enforcement agencies had made significant technical advances in communications and surveillance equipment, but such equipment was often not available at strategic locations. Drug traffickers were using state-of-the-art communications equipment, and were increasingly deploying technical devices, especially in cases where illicit consignments were concealed in cargo, to alert them to law enforcement intervention.

Recommendations

66. The following recommendations were made in connection with the analysis, sharing and exchange of drug law enforcement information and intelligence:

(a) States should give greater priority to sharing information regarding drug-trafficking networks and to coordinated joint operations targeting them;

(b) States should consider establishing national criminal intelligence systems to enable the collection and analysis of information and the dissemination of accurate intelligence;

(c) States should consider establishing or maintaining databases at national and subregional levels and enhancing the capabilities of law enforcement agencies in gathering and disseminating intelligence and information with a view to:

(i) Maintaining accurate records on the registration of civil aircraft, their areas of operation and the licensing of pilots;

(ii) Coordinating maritime intelligence;

(iii) Coordinating and exchanging sensitive intelligence with multi-agency task forces at the national, regional and international levels;

(d) States should fully utilize the communications systems of the WCO Regional Intelligence Liaison Offices, ICPO/Interpol, the Joint Information and Coordination Centre of the El Paso Intelligence Centre and other regional communications systems, in order to facilitate the prompt exchange of information;

(e) States should, as appropriate, enter into bilateral arrangements to allow the presence on their territories of foreign law enforcement agents to carry out the exchange of information and coordinate joint investigations, within the legal framework of the States concerned.

B. Strengthening of international cooperation to eradicate the growing and dangerous links between terrorist groups, drug traffickers, paramilitary gangs and other armed criminal groups

67. The subsidiary bodies observed that drug traffickers were becoming more prone to use violence. Many Governments were concerned that arms, sophisticated weapons, explosives and advanced communications equipment were becoming increasingly available to drug cartels, criminal organizations and subversive groups. In some countries, particularly in regions affected by illicit cultivation of narcotic plants and the production of cocaine and heroin, the illicit sale of arms and explosives to drug traffickers and subversive groups had further aggravated the illicit drug-trafficking situation. Weapons, explosives and state-of-the-art communications systems were often seized together with illicit drugs. The availability of arms and other weapons contributed to increased violence by drug-trafficking criminal groups, which were becoming more professionally organized and ruthless. The availability of

arms and communications equipment had also greatly enhanced the ability of drug-trafficking organizations to counter the efforts of drug law enforcement agencies to apprehend them.

68. The Sixth Meeting of HONLEA, Latin America and the Caribbean, in particular, called for greater international cooperation to control the dramatic increase in the sale and distribution of explosives and sophisticated arms, weapons and communications systems to drug cartels, criminal organizations and subversive groups. In some countries of the region illicit drug traffic was clearly linked to the illicit traffic in weapons and to terrorism.

69. Some Governments in the region of HONLEA, Asia and the Pacific, were directly confronted by armed insurgents and military groups that controlled major opium-producing areas. That was particularly the case in Afghanistan and Myanmar, two countries important for the illicit cultivation of the opium poppy as well as the illicit production of opium and heroin.

Recommendations

70. The following recommendations were made regarding the flow of arms, other weapons and explosives to drug traffickers:

(a) The Commission should encourage States to establish national networks to verify, with countries of destination, the shipment of arms, other weapons and explosives;

(b) States should establish an effective mechanism for soliciting from countries of destination, prior to the shipment of arms, other weapons and explosives, authorization required for their import or export.

C. Penalties for offences, including money-laundering and traffic in arms

1. Adequacy of penalties

71. Several reports made to the subsidiary bodies indicated that Governments had adopted stringent legal provisions to counter illicit drug traffic and stringent penal sanctions, including life imprisonment and even capital punishment for recidivism and serious drug-trafficking offences. With regard to implementation of article 6, concerning extradition of the 1988 Convention, some representatives at the Seventh Meeting of HONLEA, Africa, reported that their Governments would only grant requests for extradition on condition that there was a guarantee that the convicted drug trafficker would be subject to punishment commensurate with the gravity of the offence.

2. Legalization of the non-medical use of drugs

72. Some subsidiary bodies considered the ongoing discussion in some countries regarding the legalization of the non-medical use of drugs. They opposed weakening the drug control regime by decriminalization, and called for a strong stance against the legalization of the non-medical use of drugs. That would restore confidence in the drug law enforcement community, and signal to drug traffickers the strong commitment of Governments to bring them to justice.

73. In particular, the Seventh Meeting of HONLEA, Africa, reiterated the position of Governments in the region regarding the need to continue to maintain a strong stance against the legalization of cannabis. The Nineteenth Meeting of HONLEA, Asia and the Pacific, observed that several Governments, particularly in South-East and South-West Asia, were investing a significant share of their gross national

product in their efforts to eradicate illicit cultivation of the opium poppy and the processing of heroin. Legalizing the non-medical use of drugs would serve to undermine and render such efforts futile.

D. Increasing attention to implementing all provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, with special emphasis on targeting the profits and money-laundering operations of drug traffickers, strengthening interdiction procedures by land, sea and air and enforcing the control of precursors and essential chemicals

74. The subsidiary bodies, being primarily concerned with matters relating to illicit trafficking, regularly discussed the 1988 Convention. Aspects of those discussions concerning the three issues emphasized in paragraph 10 (h) of resolution 48/12 are summarized below, and the recommendations relating to each topic are presented.

Recommendations

75. In addition to specific recommendations on particular issues, the subsidiary bodies formulated the following recommendations of a general nature with respect to implementation of the 1988 Convention:

(a) All States should adhere to the international drug control treaties, particularly the 1988 Convention, which provided a framework for international and regional cooperation in combating illicit drug trafficking;

(b) States should update their legislation and bring it into line with the provisions of the 1988 Convention, so as to be in a position to implement all its provisions and provide stringent sanctions for the organizers of drug-trafficking networks.

1. Targeting the profits and money-laundering operations of drug traffickers

76. There was consensus in the subsidiary bodies on the importance of attacking the economic power of drug traffickers by investigating money-laundering offences and confiscating their illicit gains. Many Governments had adopted new or amended existing legislation in order to include money-laundering as a criminal offence. However, some drug law enforcement agencies were encountering difficulties in investigating money-laundering offences, as the investment code adopted in their countries discouraged the investigation of the sources of incoming capital flows. Measures to investigate money-laundering offences were perceived, in some countries, as detracting from the objective of attracting foreign investment. The importance for policy makers in developing countries and countries in transition to understand the adverse impact of money-laundering on their legitimate economy was emphasized. There was, in some instances, a need to convince Governments of the benefits that could be derived both nationally and internationally from the adoption and implementation of legislation aimed at preventing the investment of profits generated by drug trafficking. While some national authorities, particularly in South-East Asia, had been successful in establishing regimes to investigate money-laundering offences and ensure the confiscation of assets following conviction, many States lacked the legal framework within which to exercise financial control. Many had neither the legislation nor the investigative expertise required to carry out complex investigations of money-laundering offences and to seize and confiscate assets derived from drug trafficking.

77. Money launderers were smuggling cash out of certain countries in search of banking facilities in other countries where regulatory and control procedures were limited. Cooperation and collaboration between the banking system and law enforcement agencies was essential to counter money-laundering.

78. The subsidiary bodies concluded that it was desirable for Governments to establish a central agency within each national administration to receive, analyse and disseminate intelligence related to money-laundering. Financial information provided vital intelligence which was essential for the identification of drug-trafficking groups and the eventual confiscation of their assets. It was considered necessary for Governments to adopt legislation to permit disclosures of suspicious transactions by financial institutions.

Recommendations

79. The following recommendations were adopted regarding money-laundering:

(a) States should implement the provisions of the 1988 Convention concerning money-laundering, and harmonize their national legislation with the relevant provisions, particularly with regard to removing banking secrecy in order to facilitate the investigation of money-laundering offences;

(b) States should enter into bilateral agreements or arrangements to further cooperation in facilitating the forfeiture, confiscation and sharing of the assets of international drug traffickers;

(c) States should consider setting up specialist units to investigate money-laundering, through close cooperation with the relevant national and international organizations;

(d) States should improve confiscation rules and consider utilization of the forfeited assets of money-laundering to enhance the capability of agencies involved in drug control;

(e) States should consider the possibility, in the appropriate circumstances and in accordance with their specific legal requirements, to reverse the burden of proof regarding the lawful origin of alleged proceeds or other property liable to confiscation, as stipulated in article 5, paragraph 7, of the 1988 Convention.

2. Strengthening interdiction procedures by land, sea and air

80. Several countries, particularly in Africa, central America and the Caribbean, remained vulnerable to transit traffic in illicit drugs, particularly cocaine and heroin, owing to their geographical situation in relation to producer and consumer countries. The situation with regard to drug abuse and illicit traffic in those countries had, in many cases, worsened as a result of spillover from the transit traffic in illicit drugs, particularly cocaine. The operations of illicit drug traffickers and the methods used to transport their merchandise were continuously changing and becoming increasingly difficult to counteract. With regard to the trafficking routes and the modus operandi adopted by drug traffickers, there was an apparent trend, particularly among traffickers of cocaine and heroin, to reduce dependence on air couriers and to rely more on bulk consignments concealed in commercial cargo and shipped by container vessels and air freight.

81. Large consignments of illicit drugs, notably cannabis and heroin, were being smuggled in containerized legitimate cargo. One of the most significant developments during the past year was the significant increase in the quantity of heroin seized in consignments of commercial cargo. In so doing, traffickers were exploiting the practical difficulties faced by customs administrations in inspecting large volumes of commercial consignments at entry points and the need for rapid clearance of merchandise. In particular, drug syndicates were diversifying their modus operandi in favour of sea routes for moving bulk consignments of heroin from the Golden Triangle. In South-East Asia, arrests, seizures and intelligence indicated that fishing vessels and other small craft were being used to smuggle illicit drugs, particularly large consignments of heroin and cannabis.

82. There was increased concern, particularly in the Caribbean, about the use of small aircraft and high-speed vessels and other craft to transport illicit drugs between producing and consuming areas. Another growing concern, particularly in West Africa, was the involvement of small, unregistered vessels in illicit coastal traffic, as well as in the transshipment of illicit consignments from larger vessels. Law enforcement efforts to combat such activities were being hampered by inadequacies in national radar systems and the limited maritime interdiction capability of several coastal States. The transshipment and transport of huge quantities of illicit drugs by air and sea were of growing concern, and required urgent action at the international level to improve cooperation in the gathering and exchange of intelligence and investigation techniques.

83. The use of the technique of controlled delivery, in line with article 11 of the 1988 Convention, was considered to be one of the major law enforcement tools in dismantling drug-trafficking networks. There were, however, significant discrepancies in its use by States at both the national and international levels. It could be used in any interdiction procedure by land, sea or air, or any combination thereof.

84. Some countries were unable to make full use of the technique because of inadequate legislation. While some countries had designated a single agency as the focal point for controlled deliveries, that was not always considered to be the most practical approach. Greater inter-agency cooperation would ensure effective coordination of controlled delivery operations within and between countries. Despite the frequency with which the technique of controlled delivery was used in some regions, there was often still wide variation in the legal and administrative arrangements involved. In some States, use of the technique tended to be based more on administrative measures than on legislative provisions.

85. Regardless of the means of transport, all controlled delivery operations should have clearly stated objectives, if possible targeting significant criminal drug-trafficking groups. Controlled delivery must be planned so as to specify the place where arrests and prosecutions should take place, in order to maximize the impact on criminal drug-trafficking groups. Overuse of the technique should be avoided.

86. The practice of substituting innocuous substances for the illicit drugs contained in a consignment subject to controlled delivery should be considered wherever permitted by the laws of the participating countries. It was also important to promptly inform all participating parties of the results of each successful or attempted controlled delivery. There was an urgent need for the clear and unambiguous exchange of information between countries before, during and after each international controlled delivery, and it was important to ensure that controlled delivery should be conducted within the legal framework applicable in the countries concerned. Common standards of training in the use of the technique would serve to develop practical procedures to facilitate the exchange of information and the conduct of controlled delivery among participating Sates.

Recommendations

87. The following recommendations were adopted in connection with interdiction procedures by land, sea and air:

(a) States should address their requests for controlled delivery to the competent authorities of other States in the agreed form, clearly indicating their requirements and objectives, and inform the participating States of the results achieved;

(b) National authorities should ensure close consultation regarding the technical, legal and administrative requirements of the States involved in any joint drug law enforcement operation, especially prior to initiating a controlled delivery;

(c) UNDCP, ICPO/Interpol, WCO and States that have experience in the use of controlled delivery should provide training and other support to States seeking to enhance their capability to use the technique.

88. The Sixth Meeting of HONLEA, Latin America and the Caribbean, adopted the following recommendation on a specific concern of that region:

> States in the region of Latin America and the Caribbean should strengthen and fully utilize their radar systems to monitor the movements of suspect aircraft and vessels in order to support the exchange of intelligence and improve coordination in undertaking joint drug law enforcement operations.

3. Enforcing the control of precursors and essential chemicals

89. The subsidiary bodies were of the opinion that the monitoring of precursors and essential chemicals used for the illicit production of drugs should be accorded greater priority than was currently the case. In order to institute better controls, it was necessary for Governments to establish databases for that purpose, including reported seizures. Appropriate laws and regulations should be enacted and awareness programmes initiated. States that have already adopted legislation to make the diversion of essential chemicals and precursors a serious offence should continue to exercise stringent control over those substances in order to prevent the emergence of a black market trade in them.

90. National surveys were sometimes considered a necessity in order to establish levels of legitimate requirements. The oversupply of chemicals to certain States needed to be regulated to prevent illicit diversion to clandestine laboratories in producer States. In that connection, close cooperation with the chemical industry was identified as a strategic necessity to prevent the oversupply and subsequent diversion of essential chemicals and precursors.

91. The following recommendations were made concerning the control of precursors and essential chemicals:

(a) All States should remain on the alert for new methods of transporting and concealing illicit drugs and the precursors and essential chemicals used in their manufacture and of transporting weapons associated with drug trafficking;

(b) States should enter into or utilize existing memoranda of understanding with chemical manufacturers and chemical trade associations for the purpose of sharing information, particularly on suspect orders of precursors and essential chemicals.

Notes

[1]E/CONF.82/15 and Corr.2.